

**AMENDMENTS TO THE CLAIMS**

Please amend the claims in this application as follows:

**Listing of Claims:**

1-16 (cancelled).

17. (currently amended) A food product server for holding and displaying food products, the product server having a front customer side, a rear employee side, and a breath guard, said breath guard comprising:

a cover attached to the product server for pivotal movement between a lowered substantially horizontal position covering said food products held by the product server and a raised position in which the cover serves as a breath guard providing a barrier to contamination of the food products by customers on the customer side of the server while allowing [and allows] access to said food products from the employee side of the cover; and

[at least one power assist device] first and second power assist devices connected to said product server and said cover for assisting pivotal movement of the cover between its lowered position and its raised position; and wherein said cover is sufficiently transparent to allow viewing of the food products held in the food product server.

18. (currently amended) A food product server as set forth in claim 17 wherein said first [at least one] power assist device applies a lifting force to said cover and said second power assist device applies a damping force to said cover.

19. (currently amended) A food product server as set forth in claim 18 wherein said cover is pivotable from its

lowered position to an intermediate position by the application of a manual lifting force and is pivotable from its intermediate position to its raised by position by a lifting force of the first power assist device.

20. (currently amended) A food product server as set forth in claim 17 wherein said cover is pivotably attached to the product server near the customer side of the server.

21. (currently amended) A food product server as set forth in claim 20 wherein said cover is pivotable through approximately 60 degrees of angular motion from its lowered position to its raised position.

22. (currently amended) A food product server as set forth in claim 17 wherein said [at least one] first power assist device comprises a gas spring for applying an upward force on said cover and said second power assist device comprises a damper for resisting downward movement of the cover.

23. (currently amended) A product server as set forth in claim 17 [wherein said cover is sufficiently transparent to allow viewing of the products held in the product server] further comprising a cabinet and a pan-receiving recess in the cabinet, said cover having hinge connections with the cabinet generally near a front of the cabinet.

24. (currently amended) A product server as set forth in claim [17] 23 wherein [said raised position of the cover allows access to the products from the employee side of the server] said hinge connections are located forward of the pan-receiving recess, and wherein when the cover is pivoted toward said raised position it extends from said hinge

connections upward toward the rear employee side of the product server for allowing access to said products from the employee side of the product server.

25. (currently amended) A food product server for holding and displaying food products, the product server having a front customer side and a rear employee side, and a breath guard, said breath guard comprising

a cover attached to the product server for pivotal movement between a lowered substantially horizontal position covering said food products held by the product server and a raised position in which the cover serves as a breath guard providing a barrier to contamination of the food products by customers on the customer side of the server while allowing [and allows] access to the food products from the employee side of the cover,

a first power assist device connected to said product server and said cover for applying an upward force on the cover to assist pivotal movement of the cover from its lowered position to its raised position, and

a second power assist device connected to said product server and said cover for resisting movement of the cover from its raised position to its lowered position thereby providing controlled downward movement of the cover.

26. (currently amended) A food product server as set forth in claim 25 wherein said first power assist device comprises a gas spring.

27. (currently amended) A food product server as set forth in claim 25 wherein said second power assist device comprises a damper.

28. (currently amended) A food product server as set forth in claim 25 wherein said cover is pivotable from its lowered position to an intermediate position by the application of a manual lifting force and is pivotable from its intermediate position to its raised position by the upward force of the first power assist.

29. (currently amended) A food product server as set forth in claim 25 wherein said cover is sufficiently transparent to allow viewing of the products held in the product server.

30. (currently amended) A food product server as set forth in claim 25 further comprising a seal on the cover for sealing against an upwardly facing surface on the product server to substantially enclose the products held by the server when the cover is in the lowered position.

31. (currently amended) A food product server as set forth in claim 25 wherein said raised position of the cover allows access to the products from the employee side of the server.

32. (currently amended) A product food server for holding and displaying products, the product server comprising a cabinet having a recess for [supporting] receiving a plurality of food serving pans for holding said products, a heating or refrigeration system housed in the cabinet for regulating the temperature of the products held in the food serving pans, a front customer side, a rear employee side, and a breath guard, said breath guard comprising

a cover comprising a rectangular panel attached to the product server and moveable between a lowered substantially

horizontal position covering said food-serving pans and a raised position in which the cover serves as a breath guard providing a barrier to contamination of the food products by customers on the customer side of the server while allowing [and allows] access to said food serving pans from the employee side of the cover, and

at least one power assist device connected to said product server and said cover for assisting pivotal movement of the cover between its lowered position and its raised position.

33. (currently amended) [The] A food product server as set forth in claim 32 wherein said [cover comprises a] panel [which] in said raised position [has] slopes upward and rearward from near the front customer side of the cabinet at an angle [with respect to the product server] between approximately 45 degrees and approximately 90 degrees relative to horizontal.

34. (currently amended) [The] A food product server as set forth in claim 32 wherein said at least one power assist device is located on top of the cabinet [angle of the panel at the raised position is approximately 60 degrees].

35. (currently amended) A food product server as set forth in claim 32 further comprising a [support] frame mounted on the cabinet [product server and connected to said at least one power assist device], said at least one power assist device comprising a first gas spring pivotally attached at one end to the product server and pivotally attached at an opposite end to the cover for assisting movement of the cover from its lowered position toward its raised position, and a second damper pivotally attached at

one end to the cover and pivotally attached at an opposite end to the frame for resisting movement of the cover from its raised position toward its lowered position.

36. (currently amended) A food product server as set forth in claim 35 wherein said frame comprises a shelf spaced above said cabinet, and wherein said cover is disposed entirely below the shelf when the cover is in its raised position [further comprising a second power assist device connected to said support frame and said cover].

37. (currently amended) A food product server as set forth in claim [36 wherein said support frame comprises a pair of upright frame members extending up from the product server generally near opposite sides of the cover and generally adjacent the customer side of the product server] 32 further comprising a frame mounted on top of the cabinet, said frame comprising a shelf spaced above said cabinet, and wherein said cover is disposed entirely below the shelf when the cover is in said raised position.

38. (cancelled)

39. (cancelled)